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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/834,672	04/13/2001	Robert W. Pries	056267-0003	5622

7590                    03/19/2003

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MCDERMOTT, KEVIN

ART UNIT	PAPER NUMBER
3635	

DATE MAILED: 03/19/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/834,672	PRIES, ROBERT W.
	<b>Examiner</b>	<b>Art Unit</b>
	McDermott, Kevin	3635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) This action is FINAL.                  2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 25 and 30-42 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 32 and 34 is/are rejected.
- 7) Claim(s) 25, 30, 31, 33, and 35-42 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.
 

If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
  - a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ .
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .	6) <input type="checkbox"/> Other: _____ .

## DETAILED ACTION

### ***Claim Objections***

Regarding claim 39, it cannot depend from itself. For examination purposes, Examiner considered claim 39 as depending from claim 38.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 25 and 30-34 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 25, line 10 recites "the panel sides". Examiner is not certain which are the referenced panel sides. It appears that the relationship between the panels as recited in lines 5-6 should be more specific/less vague. Examiner is not certain which referenced panel sides are connected. Are the connected panels adjacent each other? Is the axis centered between the panel sides between a pair of adjacent panels or is the axis centered between two panels that are separated from each other? Line 6 recites "the panel shapes form panels". How can panel shapes form panels?

Regarding claims 30-33, lines 5-7 claim connecting a plurality of panels together at any angle, about any axis centered between the panel sides, and at any dihedral angle with respect to each other. Examiner is not certain which referenced panel sides are connected. Are the connected panels adjacent each other? Is the axis centered

between the panel sides between a pair of adjacent panels or is the axis centered between two panels that are separated from each other? Line 3 recites "the panel shapes forming a plurality of panels". How can panel shapes form panels?

Regarding claim 34, lines 3-4 recite "the panel shapes form panels". How can panel shapes form panels? Lines 7 and 9 recite "the panel sides". Examiner is not certain which are the referenced panel sides. It appears that the relationship between the panels as recited in lines 5-6 should be more specific/less vague. Examiner is not certain which referenced panel sides are connected. Are the connected panels adjacent each other? Is the axis centered between the panel sides between a pair of adjacent panels or is the axis centered between two panels that are separated from each other?

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 32 and 34 as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Fay.

Regarding claim 32, Fay discloses an inventory of plates 10. The plates 10 are panel shapes and they are shown in figures 1-9. Fay also discloses knuckles 11, for connecting the panels together. The knuckles 11 and pins 12 connect the panels about an axis centered between the panels. Fay discloses in column 1, lines 28-31,

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combining the panels 10 to form a variety of designs and figures. Designs and figures include simple polygons and any angle through 360 degrees about any axis between vertices and at a dihedral angle with respect to each other. Fay discloses knuckles 11 located at plate 10 corners and along the plate 10 sides. The knuckles 11 along the plate 10 sides as constituting one joinery system, and the knuckles 11 located at the plate 10 corners as constituting a second joinery system. Fay discloses knuckles 11 between plates 10. Knuckles 11 are brackets bridging the space between plates 10. Additionally, the knuckles 11 are elements bridging the space between plates 10, and having a flat portion adjacent the plate 10. The knuckles 11 constitute the element of claim 15 bridging the space between the plates 10. The brackets have an arcuate shape designed for accommodating the pins 12, which pins hold the plates 10 in assembled relation. Pin 12 is a tubular element.

Regarding claim 34, Fay discloses in figure 3, a plate 10 area between the knuckles 11 and openings 16. The plate area 10 is integral with the plate. The struts support the panel and allow for connection to other panels. Additionally, these struts are offset from, parallel to and allow for rotation about an axis between vertices. Because Fay satisfies the structural limitations of claim 34, it is inherently capable of performing the same functions.

#### ***Response to Arguments***

Applicant has not provided arguments regarding claim 32, so it is rejected as detailed above.

Regarding claim 34, Applicant argues that nothing in the Fay reference or any other prior art reference teaches or suggests the inventory of panel shapes being connected together as in the claimed invention. Examiner has rejected claim 34 as indicated above.

***Allowable Subject Matter***

Claims 25, 30, 31, and 33 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.

The reasons for the indication of allowable subject matter are in the Final Rejection.

Claims 35-42 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

The prior art does not disclose and it does not appear obvious to modify the prior art to disclose a panel comprising at least two connection mechanisms, wherein the connection mechanisms include a centerline element, at least two bridge elements, a plurality of brace elements, a plurality of anchorage elements, and a plurality of joint closure elements.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Kevin McDermott, whose telephone number is 703-308-8266.



Carl D. Friedman  
Supervisory Patent Examiner  
Group 3600

KM 3/10/03